

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

391J0406

HOUSE HEALTH AND HUMAN SERVICES
COMMITTEE ENGROSSED NO. **HB 1159** -
02/09/2004

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Cutler, Begalka, Deadrick (Thomas), Garnos, Hackl, Haverly, Konold, Kraus, Thompson, and Weems and Senators Schoenbeck, Dempster, Moore, Olson (Ed), and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to prohibit certain persons from providing care and
2 supervision for children in child welfare agencies, registered family day care homes, and
3 unregistered family day care homes and to declare an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 26-6-14.10 be amended to read as follows:

6 26-6-14.10. No person who has been convicted of child abuse pursuant to chapter 26-10 ~~or;~~
7 a sex offense pursuant to chapter 22-22; or, within the preceding five years, any other felony;
8 and no person whose name appears on the central registry for child abuse and neglect may:

9 (1) Be licensed to operate a child welfare agency pursuant to § 26-6-14;

10 (2) Be registered to operate a family day care home pursuant to § 26-6-14.2; or

11 (3) Operate an unregistered family day care home as defined in § 26-6-14.8.

12 Any person who has actual knowledge that some other person is violating this section and
13 who subsequently fails to report such violation to the state's attorney or local law enforcement



1 is guilty of a Class 1 misdemeanor.

2 Section 2. That § 26-6-14.11 be amended to read as follows:

3 26-6-14.11. Any person who has been convicted of child abuse pursuant to chapter 26-10
4 ~~or;~~ a sex offense pursuant to chapter 22-22; or, within the preceding five years, any other
5 felony; or whose name appears on the central registry for child abuse and neglect is guilty of a
6 Class 1 misdemeanor if such person:

7 ~~—(1)—Provides~~ resides or works or provides care and supervision of children ~~either in a day~~
8 ~~care center~~ any child welfare agency or any family day care home; ~~or~~

9 ~~—(2)—Permits.~~ Any person who permits another person to reside or work or provide care
10 and supervision of children in any child welfare agency or any family day care home
11 knowing that the person has been convicted of child abuse pursuant to chapter 26-10
12 ~~or;~~ a sex offense pursuant to chapter 22-22; or, within the preceding five years, any
13 other felony; ~~or whose~~ knowing that the person's name appears on the central registry
14 for child abuse and neglect ~~to reside or work on the premises of a day care center or~~
15 ~~any family day care home,~~ is guilty of a Class 1 misdemeanor.

16 Section 3. Whereas, this Act is necessary for the immediate preservation of the public peace,
17 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and
18 effect from and after its passage and approval.